

NOTICE OF MEETING
PLANNING COMMISSION

TYPE OF MEETING

REGULAR MEETING	(X)	RESCHEDULED REGULAR MEETING	()
SPECIAL MEETING	()	CONTINUED OR RECONVENED MEETING	()

DATE:	TIME:	PLACE OF MEETING:
<u>03/02/2022</u>	<u>1:30 P.M.</u>	<u>Commission Chambers</u>
		<u>City Hall, 9th & Broadway</u>
		<u>Shawnee, OK 74802-1448</u>

To be completed by person filing notice:

NAME: Rachel Clyne

TITLE: City Planner

ADDRESS: 222 N. Broadway Ave.
Shawnee, OK 74801

PHONE: (405) 878-1672

Filed in the office of the municipal clerk at 4:17 a.m. (p.m.) on 2/25/2022

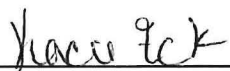
SIGNED: 
City Clerk/Deputy Clerk

=====

FOR CITY CLERK'S OFFICE USE ONLY

DATE NOTICE RELEASED TO NEWS MEDIA: 2/25/22

PERSON FILING NOTICE: /s/ Rachel Clyne

NOTICE VERIFIED BY: 

AGENDA
PLANNING COMMISSION of SHAWNEE, OK
Regular Meeting
March 2, 2022, at 1:30 P.M.
City Hall, 16 W. 9TH St. Shawnee, OK

1. Roll Call
2. Consideration of approval of the minutes from the regular meeting of the Shawnee Planning Commission on February 2, 2022
3. *Case No. CUP01-22* -- Public hearing and consideration of a request for a Conditional Use Permit (CUP) for a guest cottage at 16712 Magnino Road.
Applicants: Lora Davis and James Hunter
4. *Case No. CUP02-22* -- Public hearing and consideration of a request for a Conditional Use Permit (CUP) for a crematorium at 603 W Independence Street.
Applicant: Todd Tramel, AE Funeral Services, LLC
5. *Case No. RZ04-22* -- Public hearing and consideration of a request to rezone property located near E. 45th Street and Sydney Drive from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District).
Applicant: Brenda Wyatt
6. Community Development Department Updates
7. Commissioners' Comments
8. Adjournment

REGULAR PLANNING COMMISSION MINUTES

DATE: February 2, 2022

DRAFT MINUTES

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in person for a regular meeting on February 2, 2022, at 1:30 p.m., according to notice duly posted as prescribed by law.

Item 1. Roll Call

Chair Deem called the meeting to order at 1:32 p.m. City Planner, Rachel Clyne, called roll and stated a quorum was present.

The following Commissioners were present:

Present: Loftis-Walton, Johnson, Deem, Mew-Palmer, Reese

Absent: Walker, Rowell

Item 2. Approval of Minutes – Regular meeting

Consideration of approval of the minutes from the regular meeting of January 5, 2022. Chair Deem asked the Planning Commissioners for questions or corrections to the minutes.

Commissioner Loftis-Walton made a motion to **Approve** the minutes as presented, which Commissioner Reese seconded.

Motion **passed 5-0-0**.

Aye: Loftis-Walton, Johnson, Deem, Mew-Palmer, Reese

Nay: None

Abstain: None

Item 3. RZ02-22

Public hearing and consideration of a request to rezone property located west of 190 W Shawnee Mall Drive from CP (Planned Shopping Center District) to C-3 (Highway Commercial District).
Case No. RZ02-22, Applicant: Muhammad Khan, PE, SMC Consulting

Chairperson Deem asked for a staff report. Planner Clyne provided background information on the application request. The subject property is located west of 190 W. Shawnee Mall Drive in what is currently parking spaces of the Shawnee Mall. This application requests the subject property be rezoned from **CP** (Planned Shopping Center District) to **C-3** (Highway Commercial District).

The area requested for rezoning is also undergoing the platting process to become Striker Equities at Shawnee Mall subdivision. The proposed plat is approximately 0.4364 acres and will be located directly west of The Garage restaurant, which is at 190 W. Shawnee Mall Drive.

Chair Deem open the public hearing. The applicant, Muhammad Khan, PE, SMC Consulting, was present and available for questions. With no other speakers, the public hearing was closed.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **RZ02-22** a request to rezone property located west of 190 W Shawnee Mall Drive from **CP** (Planned Shopping Center District) to **C-3** (Highway Commercial District). It was announced the item would be heard at the February 22, 2022, City Commission meeting.

Commissioner Loftis-Walton made a motion to recommend **APPROVAL** of Case No. **RZ02-22** to the City Commission, which Commissioner Reese seconded.
Following any discussion, the motion **passed 5-0-0**.

Aye: Loftis-Walton, Johnson, Deem, Mew-Palmer, Reese
Nay: None
Abstain: None

Item 4. PPL01-22 Consideration of an application for Preliminary Plat of Striker Equities at Shawnee Mall subdivision located west of 190 W. Shawnee Mall Drive.
*Case No. **PPL01-22**, Applicant: Muhammad Khan, PE, SMC Consulting*

Chairperson Deem asked for a staff report. Planner Clyne provided background information by stating the subject property is located west of 190 W. Shawnee Mall Drive. The proposed subdivision has one (1) lot and approximately 0.4364-acres.

Clyne stated that the proposed plat is located in an existing parking lot. At the request of the City Engineer, the applicant has noted that a separate instrument will be filed to ensure cross-access parking and cross-access easement on the plat.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **PPL01-22** for the Preliminary Plat of Striker Equities at Shawnee Mall subdivision as presented. It was announced the item would be heard at the February 22, 2022, City Commission meeting.

Commissioner Johnson made a motion to recommend **APPROVAL** of Case No. **PPL01-22** to the City Commission, which Commissioner Loftis-Walton seconded.
Following any discussion, the motion **passed 5-0-0**.

Aye: Loftis-Walton, Johnson, Deem, Mew-Palmer, Reese
Nay: None
Abstain: None

Item 5. FPL01-22 Consideration of an application for Final Plat of Striker Equities at Shawnee Mall subdivision located west of 190 W. Shawnee Mall

Chairperson Deem asked for a staff report. Clyne provided background information by stating the subject property is located west of 190 W. Shawnee Mall Drive. The proposed subdivision has one (1) lot and approximately 0.4364-acres.

Clyne stated that the proposed plat will be situated in an existing parking lot within the mall development. At the request of the City Engineer, the applicant has noted that a separate instrument will be filed to ensure cross-access parking and cross-access easement on the plat.

Staff recommended that the Planning Commission recommend to the City Commission **APPROVAL** of **FPL01-22** for the Final Plat of Striker Equities at Shawnee Mall subdivision as presented. It was announced the item would be heard at the February 22, 2022, City Commission meeting.

Commissioner Loftis-Walton made a motion to recommend **APPROVAL** of Case No. **FPL01-22** to the City Commission, which Commissioner Reese seconded. Following any discussion, the motion **passed 5-0-0**.

Aye: Loftis-Walton, Johnson, Deem, Mew-Palmer, Reese

Nay: None

Abstain: None

Item 5. Community Development Department Update

Community Development Director Rian Harkins updated the Commissioners on the recent activities with planning and the programs for CDBG (Community Development Block Grant), the Homeless Coordinator, and the Love Your Neighborhood.

Director Harkins stated that CDBG continued using HUD grants for residential home maintenance and working with COVID-related relief funds. He also explained that the Love Your Neighborhood program's focus was ongoing neighborhood revitalization by looking for blighted areas and coordinating groups to work together for positive change.

Director Harkins discussed the activities surrounding the annual census count for the homeless or near homeless in Shawnee. The City staff and volunteers counted 200 individuals. He explained that HUD typically considered the "on the ground count" to represent one-quarter of a community's homeless population, which suggests the actual number is closer to 800 individuals, both adults and children.

During the recent winter weather event, the City worked with C-3 Church to offer meals and a warm place to sleep. The Homeless Program Coordinator and City staff quickly organized the donations and volunteers.

Director Harkins provided information regarding the recently approved contract for zoning code update—the Unified Development Code. He stated that staff, elected and appointed officials, stakeholders, and citizens would all participate in developing the new code. He advised the Lake Advisory Committee was making recommendations to the City Commission regarding short-term rentals, which would be incorporated into the draft documents presented to the City Commission. The goal for creating a draft for short-term rentals was 30 days.

The last topic Director Harkin discussed was the Santa Fe Depot. The Planning division had recently been tasked with creating a visioning process for the depot. It would require public input and development options, so the entire community benefits and plays a role in determining the depot's future.

Item 7. Planning Commissioners' Comments

Commissioner Johnson stated her thanks for prompt action addressing the winter weather event.

Item 8. Adjournment

Chair Deem announced the meeting adjourned at 1:56 p.m.

Chair/Vice-Chair

/s/ Rachel Clyne
City Planner



Planning Commission Meeting – 03.2.2022 – City of Shawnee, Oklahoma

Staff Report | CUP01-22 | CUP Application for an ADU | 16712 Magnino Road

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: February 18, 2022

Subject: CUP01-22 – Staff Report - Public hearing and consideration of a request for a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU) at 16712 Magnino Road.

Background

The subject property is located at 16712 Magnino Road and has an existing single-family residence and existing workshop. The Conditional Use Permit (CUP) allows for an Accessory Dwelling Unit (ADU), which will require the remodeling of the existing shop. The applicants for this CUP request are Lora Davis and James Hunter.

Discussion

Referencing the City of Shawnee Zoning Code (Code) DIVISION 14. – Administration. Section 22-605. – Conditional Use Permit. *"The uses designated under the various districts herein as "conditional uses" are so classified because they could more intensely dominate the area in which they are located..."* The conditional uses shall be reviewed and authorized or rejected with or without special conditions placed on the project.

In the Code, Section 22-120. – Permitted uses. (8) *"... may be approved as an accessory use to an existing single-family residence with an approved conditional use permit, provided that ...a guest cottage shall not be sublet and shall share a common driveway with the main residence..."*

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission APPROVAL of CUP01-22, which is for a Conditional Use Permit (CUP) at 16712 Magnino Road to allow an Accessory Dwelling Unit (ADU), specifically a detached structure for use as a guest cottage with the following conditions.

- The guest cottage shall not exceed 600 square feet.
- It shall not be sublet.

- It shall share a common driveway with the principal residence.
- A building permit shall be issued before any guest cottage modifications to the existing structure.
- The guest cottage shall not serve as a residential use until a Certificate of Occupancy is issued.

This Conditional Use Permit (CUP) application will be heard at the City Commission meeting on Monday, March 21, 2022, at 6:00 pm.

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: CUP01-22
Project Number: _____
Date Filed: 1/14/2022
RC
Planning Commission Secretary

REQUEST:

☐ Rezoning ☐ Rezoning w/Conditional Use Permit
☒ Conditional Use Permit ☐ Planned Unit Development

MARCH 22nd RC Mtg

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from A1 Conditional use for B&B District to A1 Conditional Use w/cabin District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 16712 Maguire Rd

LEGAL DESCRIPTION: Lot 5, Johnston Tract

PROPERTY OWNER (S): Lora Davis and James Hunter

PROPERTY AGENT (APPLICANT): Same

APPLICANT'S ADDRESS: Same

CITY: Shawnee STATE: Ok. ZIP: 74801

EMAIL ADDRESS: lorajo.davis@gmail.com

TELEPHONE NUMBER: (405) 275 4017 CONTACT NUMBER: () Same

DIMENSIONS OF PROPERTY: AREA: 6 acre approx WIDTH: 300 ft on west

LENGTH: 402 North side FRONTAGE: 64 ft

CURRENT ZONING: A1/LPZ CURRENT USE: Residence & B&B

PROPOSED ZONING: A1/LPZ PROPOSED USE: Residence with B&B/cabin

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE AGENDA.

Jo Davis
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

RECEIPT NO. N/A

NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____

DATE: 3/2/22

CITY COMMISSION ACTION: _____

DATE: 3/22/22

PLACE ON ZONING MAP: _____

ORDINANCE NO.: _____

no fee per Rian Harkins - advrd app 1/18/22 - RC

see
attach

*I am requesting permission to remodel 600 square foot of my 930 sq ft shop into a small cabin. The shop is on the south side of my home and 21 foot from my back door. My husband died in 2012 and the shop area is now virtually unused except for the small portion where lawn tools are stored. I already have a concrete walkway to the shop. My home is only two bedroom and my family has expanded since my home was built 21 years ago. I have 5 grandchildren and 2 children all living in other towns and states with families of their own and I want to be able to have them in my home when they have time to visit. I am 79 years old and hope to be able to have them visit more often.

I have chosen the option of using my very unused shop area for the addition because it is more economical to remodel and the best option for considering the environmental requirements of a lakeside lot. Because I will be using an existing building, my project will not increase my footprint on the lake lot.

My lot has a very pronounced slope toward the lake and the lakeside part of my house has a 4 foot retaining wall. Expanding in the direction of the lake would require extensive site preparation and consequently a lot of dirt upheaval which would be detrimental to the lake. I have planted ground cover instead of grass in that area to provide greater runoff absorption and protection for the water quality of the lake. Expansion to the north is not possible due to the septic system. Expansion to the east would cover the water, electric lines and the Geo Thermal wells used to heat and cool my home. . Expansion to the south would at a minimum require a change in the roof or removal of the existing shop.

I have done my best to protect the lake from undue pollution. I have never used fertilizers, pesticides or herbicides within 100 foot of the lake even though my lease allows it within 25 feet. The attached pictures will make that obvious to you. I was an active member of Sustainable Shawnee when it was active and working towards an environmentally sustainable community. During that time I was one of the appointees to represent Shawnee at the Governor's Annual Water Quality Conference.

4 years ago I received the legal right to use my spare bedroom for a B&B. I think I am the only legal B&B on the lake. No one has ever complained about my B&B. I do not host anyone without visiting with them first and have had very nice guests. The city receives hotel and motel taxes from each customer so it has helped the city as well as me.

A few weeks ago I went to a lake lease holder meeting and the leaseholders who had been upset about the illegal Airbnbs visited with me and agreed that my B&B was not the kind to cause problems. Absent owners illegally renting their cabins for wild parties was the problem. I initially wanted to use the proposed cabin for use as the B&B location but learned that is against the Lake Protection Zone Ordinance even though it is not spelled out in my actual lease. I have adapted my request to using the cabin for my family instead since the initial purpose was to find a way for them to visit me more easily.

WEST ↑

Legend.

1. House

2. Shop

3. Aerobic
Septic Tanks

4. Geo Thermal
Wells

5. Water Well

6. Dock

7. Privy

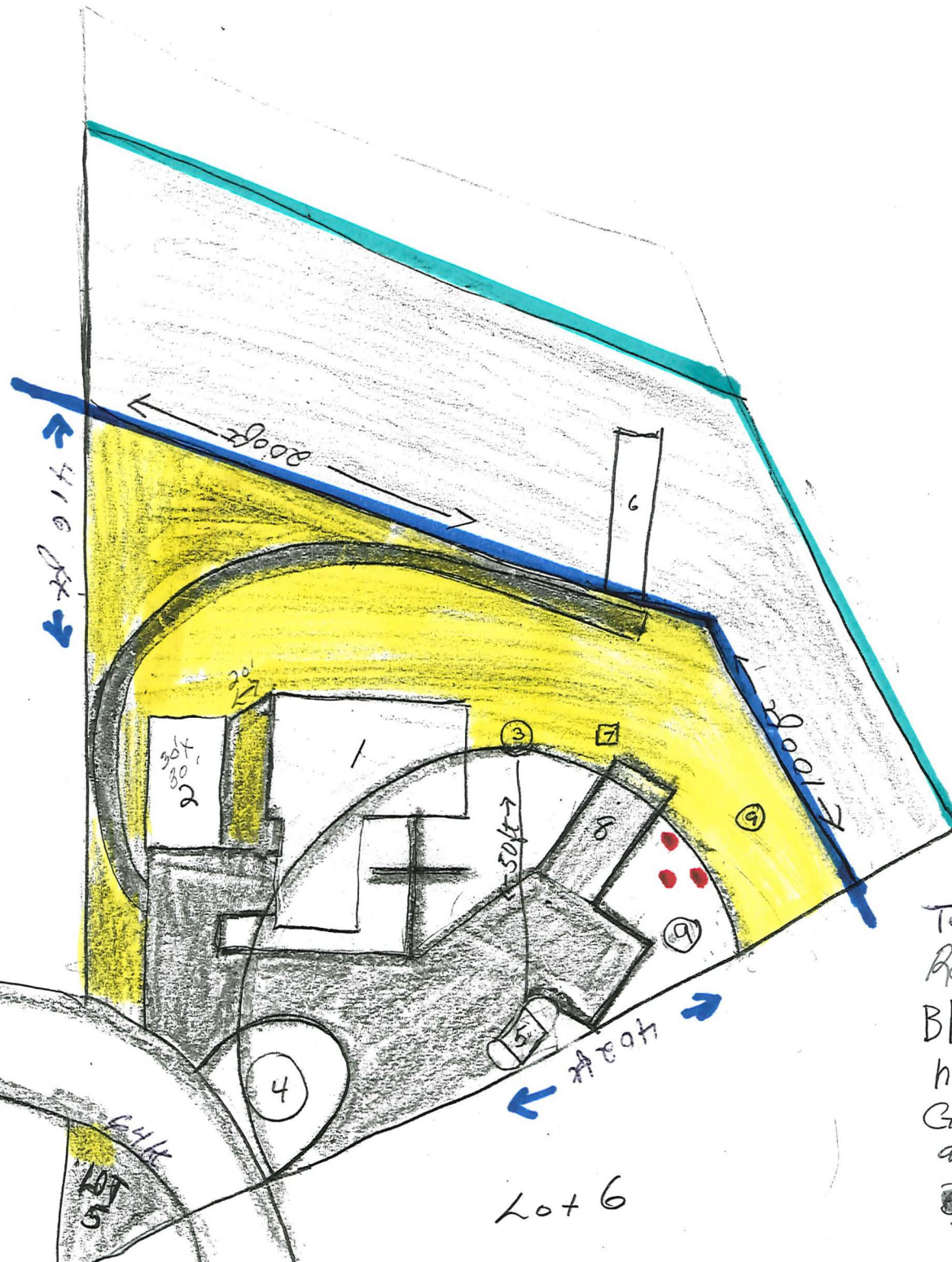
8. R.V. Port

9. Aerobic
Sprinklers

10. Green
Line is
50 ft
protection
for well.

11. Aerobic
spray

South ↑



Lot 4

Magnino Rd

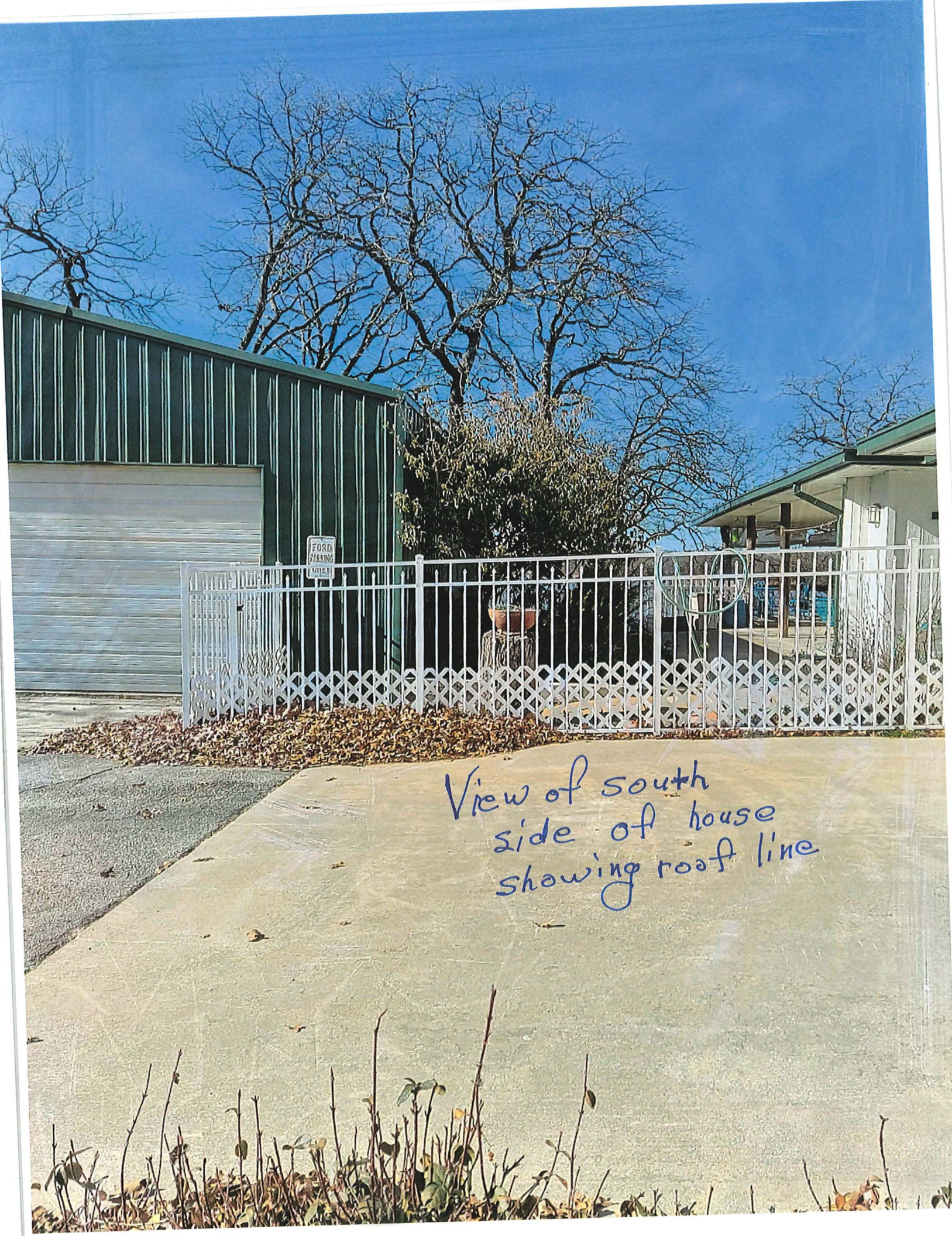
Lot 6

Teal is low-water mark
Red - Aerobic Spray

Blue Line is
high water mark

Grey = pavement
and gravel

 Downward
Yellow Slope



View of south
side of house
showing roof line



For more information

Community Development **405-878-1672**
Annex Building
222 N. Broadway Avenue
Shawnee, OK



PUBLIC HEARING

Planning Commission

Wednesday, March 2, 2022

City Hall at 16 W. 9th Street, Commission Chambers
1:30 PM

City Commission

Monday, March 21, 2022

City Hall at 16 W. 9th Street, Commission Chambers
6:00 PM

Project Information

Request: Request for a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU) for use as a Guest Cottage

Applicants: Lora Davis and James Hunter

Location: 16712 Magnino Road

Case #: CUP01-22



Frequently Asked Questions

What is a Conditional Use Permit (CUP)?

A Conditional Use Permit (CUP) is a request for a particular use that has been classified in the Zoning Code as requiring a CUP. These uses require a thorough review because some uses could more intensely affect the area in which it is located.

Why did I receive a letter?

You own property within 300 feet of the subject property.

How do I make comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend.

What if I have questions?

Call the Community Development Dept. at 405-878-1672 or contact the City Planner at rachel.clyne@shawneeok.org.

What if I cannot attend the hearing?

Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different. Contact the Community Development Department for more information if you have concerns about any impact on you.

I am not in favor of the request, what do I do?

Attend the meetings or provide written comments if you cannot attend. Property owners within 300 feet of the subject property may also prepare a protest petition. Staff can supply information about the protest petition requirements.

Legal Description:

Lot 5, Johnson Tract (Lake Lot Lease)
Incode License No. 030483

CUP01-22



Planning Commission Meeting – 03.2.2022 – City of Shawnee, Oklahoma

Staff Report | CUP02-22 | 603 W. Independence St.

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: February 18, 2022

Subject: CUP01-22 – Staff Report - Public hearing and consideration of a request for a Conditional Use Permit (CUP) for a crematorium at 603 W. Independence Street.

Background

The subject property is located at 603 W. Independence Street and contains a commercial business, AE Funeral Services, LLC. The property is zoned C-3 (Highway Commercial District). A Conditional Use Permit (CUP) allows for constructing a crematorium in the existing building. The applicant for this CUP request is Tod Tramel.

Discussion

Referencing the City of Shawnee Zoning Code (Code) DIVISION 14. – Administration. Section 22-605. – Conditional Use Permit. *"The uses designated under the various districts herein as "conditional uses" are so classified because they could more intensely dominate the area in which they are located...."* The conditional uses shall be reviewed and authorized or rejected with or without special conditions placed on the project.

In the Code, Section 22-331. Table [22-331](#). Permitted uses in Commercial Zoning Districts. The table indicates that in zoning district C-3, the cremation facilities use "is permitted subject to acquiring a conditional use permit (CUP)."

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission APPROVAL of CUP02-22, which is for a Conditional Use Permit (CUP) at 603 W. Independence Street, to allow the construction of a crematorium inside the existing commercial structure with the following conditions.

- Compliance with the Oklahoma Funeral Licensing Act and all related regulations is required.
- A building permit shall be issued before installing cremation facilities in the existing structure.
- Before functioning as a crematorium, the construction must be inspected and receive final approval from the City's Building Inspectors, including a Certificate of Occupancy.

This Conditional Use Permit (CUP) application will be heard at the City Commission meeting on Monday, March 21, 2022, at 6:00 pm.

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: _____

Project Number : _____

Date Filed: _____

Planning Commission Secretary

REQUEST:

____ Rezoning

☒ Conditional Use Permit

____ Rezoning w/Conditional Use Permit

____ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from _____ District to _____ District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 603 W. Independence St.; Shawnee, Oklahoma 74804

LEGAL DESCRIPTION: Lot Two (2), Block One (1), SHAWNEE INDUSTRIAL PARK ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma

PROPERTY OWNER (S): Mark W. Sehorn

PROPERTY AGENT (APPLICANT): AE Funeral Services LLC (Donald Todd Tramel) Owner

APPLICANT'S ADDRESS: 603 W. Independence Street

CITY: Shawnee **STATE:** Oklahoma **ZIP:** 74804

EMAIL ADDRESS: aefuneralservices@gmail.com

TELEPHONE NUMBER: (405) 915-0160 **CONTACT NUMBER:** (405) 795-3138

DIMENSIONS OF PROPERTY: **AREA:** 8160 SQFT **WIDTH:** 48 FT
LENGTH: 170FT **FRONTAGE:** 90FT

CURRENT ZONING: C3 **CURRENT USE:** Funeral Home

PROPOSED ZONING: Conditional Use Permit **PROPOSED USE:** Addition of a Crematory to current building

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE AGENDA.

SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00

RECEIPT NO. _____

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____ **DATE:** _____

CITY COMMISSION ACTION: _____ **DATE:** _____

PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

Affidavit

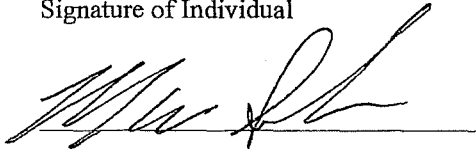
State of Oklahoma

County of Pottawatomie

I Mark W. Sehorn, property owner of 603 W. Independence St., Shawnee, Oklahoma 74804 do hereby grant permission to the current tenants AE Funeral Services LLC located at 603 W. Independence St.; Shawnee, Oklahoma 74804 to file for a "Conditional Use Permit" through the City of Shawnee, Oklahoma for the addition of a human crematory.

I hereby state that the information above is true, to the best of my knowledge. I also confirm that the information here is both accurate and complete, and relevant information has not been omitted.

Signature of Individual



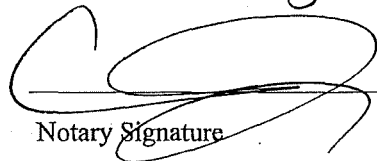
Date

1-27-2022

State of Oklahoma

County of Pottawatomie

This instrument was signed and sworn before me on this 27th day of January, 2022
by Mark W. Sehorn.


Notary Signature

(Seal)



Candace Jennings

Notary Printed Name

My Commission expires: Nov. 15, 2023

CERTIFICATE OF BONDED ABTRACTOR **(300 FEET RADIUS REPORT)**

STATE OF OKLAHOMA)
COUNTY OF POTTAWATOMIE) §:

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

Lot Two (2), Block One (1), SHAWNEE INDUSTRIAL PARK ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: January 17, 2022 at 7:30 AM

First American Title Insurance Company

By: Michele Cook

Michelle Cook
Abstractor License No. 3286
OAB Certificate of Authority # 017
File No. 2712802-SH99

OWNERSHIP LIST**ORDER NO 2712802**

DATE PREPARED: January 26, 2022

EFFECTIVE DATE: January 17, 2022 at 7:30 am

OWNER	LOT	BLK	ADDITION
SEHORN MARK W OR CATHERINE H 2204 E MACARTHUR SHAWNEE, OK 74804-0000	2	1	SHAWNEE INDUSTRIAL PARK
FLORA TOM PHOTO INC 601 W INDEP SHAWNEE, OK 74804	1	1	SHAWNEE INDUSTRIAL PARK
SEHORN MARK W & CATHERINE H 2204 E MACARTHUR SHAWNEE, OK 74804-0000	PT OF 1	2	SHAWNEE INDUSTRIAL PARK
TOOMAN WESLEY B 604 KICKAPOO SPUR SHAWNEE, OK 74801-000	PT OF 2	2	SHAWNEE INDUSTRIAL PARK
ROCK CREEK POOLS LLC 17701 S ROCK CREEK RD SHAWNEE, OK 74801-0000	3	2	SHAWNEE INDUSTRIAL PARK
JONES RANDAL L 624 KICKAPOO SPUR SHAWNEE, OK 74801-0000	4	2	SHAWNEE INDUSTRIAL PARK
HALE DEBORAH K & STEVEN ALLEN TRUSTEES OF 2005 REVOC TRUST P O BOX 3368 SHAWNEE, OK 74802-3368			SHAWNEE INDUSTRIAL PARK BLK 2 PT LOT 5 & E25' LOT 6 BEG AT NE/C LOT 5 W125' S157.42' ELY125.03' N159.46' TO POB
SEHORN MARK W & CATHERINE H 2555 N HARRISON SHAWNEE, OK 74804-0000	3	1	SHAWNEE INDUSTRIAL PARK
SELECT MANAGEMENT LLC 2677 SOMERSET DR SHAWNEE, OK 74804-0000	N2 OF 4	1	SHAWNEE INDUSTRIAL PARK
QUIGLEY BILLY B & CRIS A 623 INDEPENDENCE SUITE B SHAWNEE, OK 74804-0000	PT OF 4, UNIT 2	1	SHAWNEE INDUSTRIAL PARK
MERANDA LLC 4086 W WOODVILLE MERIDIAN, ID 83642-	5 & E2 OF 6	1	SHAWNEE INDUSTRIAL PARK
SHAWNEE REAL ESTATE HOLDINGS % SSM HEALTH CARE OF OKLA 1000 N LEE OKC, OK 73102-0000			BEG SW/C SE SE N292' E120' S292' W120' TO POB AM-PM CLINIC (PT SE4 12-10N-3E)

INDEPENDENCE WEST, LLC 624 W INDEPENDENCE SHAWNEE OK 74804-0000	1	1	WALL BROTHERS OFFICE PARK
SUPER MARKET DEVELOPERS INC ATTN: LEASE ADMINISTRATOR 5000 KANSAS AVENUE KANSAS CITY, KS 66106-000			BEG 1053.'W SE/C SE N360' E614.87' S360' W615.' TO POB &; PERPETUAL NON-EXCLUDING SERVICE ACCESS NW TO TRACT HOMELAND ON KICKAPOO (PT SE4 12-10N-3E)
ONE GAS INC ATTN: ACCOUNTS PAYABLE PO BOX 21049 TULSA, OK 74121-0000			BEG 33'W &; 33'S NE/C NE W660' S330' E660' N330' POB (PT NE4 13-10N-3E)
LOCKE SUPPLY CO % SAVAGE, SAVAGE, & BROWN INC PO BOX 22845 OKLAHOMA CITY, OK 73123-0000			BEG 693'W &; 363'S NE/C OF SEC S260' ESLY693' N133' W133' N127' W560' POB LOCKE SUPPLY (PT NE 13-10N-3E)



For more information

Community Development **405-878-1672**
Annex Building
222 N. Broadway Avenue
Shawnee, OK



PUBLIC HEARING

Planning Commission

Wednesday, March 2, 2022

City Hall at 16 W. 9th Street, Commission Chambers
1:30 PM

City Commission

Monday, March 21, 2022

City Hall at 16 W. 9th Street, Commission Chambers
6:00 PM

Project Information

Request: Request for a Conditional Use Permit (CUP) for a crematorium installed on site.

Applicants: Todd Tramel for AE Funeral Services, LLC

Location: 603 W. Independence Street

Case #: CUP02-22



Frequently Asked Questions

What is a Conditional Use Permit (CUP)?

A Conditional Use Permit (CUP) is a request for a particular use that has been classified in the Zoning Code as requiring a CUP. These uses require a thorough review because some uses could more intensely affect the area in which it is located.

Why did I receive a letter?

You own property within 300 feet of the subject property.

How do I make comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend.

What if I have questions?

Call the Community Development Dept. at 405-878-1672 or contact the City Planner at rachel.clyne@shawneeok.org.

What if I cannot attend the hearing?

Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different. Contact the Community Development Department for more information if you have concerns about any impact on you.

I am not in favor of the request, what do I do?

Attend the meetings or provide written comments if you cannot attend. Property owners within 300 feet of the subject property may also prepare a protest petition. Staff can supply

Legal Description:

Lot Two (2), Block One (1), Shawnee Industrial Park Addition

CUP02-22



Planning Commission Meeting – 03.02.2022 – City of Shawnee, Oklahoma

Staff Report | Rezoning Application RZ04-22 | near E. 45th Street and Sydney Drive

To: Shawnee Planning Commission

From: Rachel Clyne, City Planner

Date: February 23, 2022

Subject: RZ04-22 – Staff Report - Public hearing and consideration of a request to rezone property located near E. 45th Street and Sydney Drive from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District).

Background

The subject property is located near E. 45th Street and Sydney Drive. The parcel is ±1.8 acres and is vacant. This application requests the subject property be rezoned from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District). Adjacent to the property is a similar-sized parcel that is zoned RE (Residential Estate District). Further east and north parcels are zoned R-1 (Single-Family Residential District). To the south, the zoning district is C-2 (Limited Office District). Directly west of the property is land zoned R-1 (Single-Family Residential District).

Discussion

Referencing the City of Shawnee Zoning Code (Code) DIVISION 15. - Amendments; Procedures. Section 22-645. – Planning commission recommendation required. This section gives authority to the Planning Commission to make changes (amendments) to the official Zoning Map. *“...be amended, supplemented, changed, modified, or repealed by ordinance, but no change shall be made until the planning commission, after notice and public hearing, files with the city commission a report and recommendation on the proposed change.”*

Staff completed the required public hearing notifications for this application. The typical distance for notification of a public hearing is 300’ from the perimeter of the subject property. When the rezoning request is for a Multifamily Residential district, notice is extended to 1320’ from the property borders. The 2040 Comprehensive Plan Future Land Use Map (FLUM) indicates that the

subject property has the Medium Density Residential land use designation. Medium Density Residential designation is compatible with R-3 zoning.

Recommendation

Staff recommends that the Planning Commission recommend to the City Commission APPROVAL of RZ04-22 a request to rezone property located near E. 45th Street and Sydney Drive from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District).

This rezoning application will be heard at the City Commission meeting on Monday, March 21, 2022, at 6:00 pm.

2/1/22 Adm'd with
contact w/ # for
mailings

PLANNING COMMISSION APPLICATION



City of Shawnee Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only	
Case Number:	<u>RZ04-22</u>
Project Number:	<u>Salazar 45th St.</u>
Date Filed:	<u>1/31/22</u>
<u>RC</u> Planning Commission Secretary	

REQUEST:

☒ Rezoning
☐ Conditional Use Permit
☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from R-1 Single Family Residential District to R-3 Multifamily Residential District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): E 45th Street & Sydney Drive

LEGAL DESCRIPTION: (See attached documents)

PROPERTY OWNER (S): Mike Salazar

PROPERTY AGENT (APPLICANT): Brenda Wyatt

APPLICANT'S ADDRESS: 209 E Main St - Yukon, OK 73099

CITY: Yukon **STATE:** Oklahoma **ZIP:** 73099

EMAIL ADDRESS: bwyatt@salazarroofing.com

TELEPHONE NUMBER: (405) 350.6558 **CONTACT NUMBER:** (405) 350.6558

DIMENSIONS OF PROPERTY: AREA: 80,816 s.f. or 1.86 ac. WIDTH: ~ 132.89 feet
LENGTH: ~ 625.40 feet FRONTAGE: 625.30 feet

CURRENT ZONING: R-1 Single Family Residential **CURRENT USE:** Single Family Housing

PROPOSED ZONING: R-3 Multifamily Residential **PROPOSED USE:** Multifamily Housing

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE AGENDA.

Brenda Wyatt
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. _____

PLANNED UNIT DEVELOPMENT FEE \$ 550.00
NOTIFICATION SIGN \$ 50.00

PLANNING COMMISSION ACTION: _____ **DATE:** _____

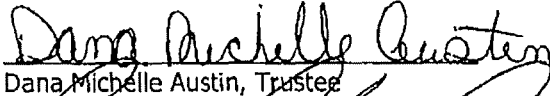
CITY COMMISSION ACTION: _____ **DATE:** _____

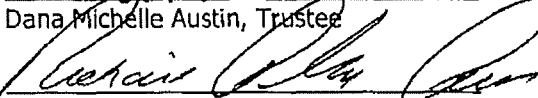
PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

TO HAVE AND TO HOLD said described premises unto the Grantee, and to the heirs, successors and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this **July 06, 2018**.

Dana Michelle Austin and Richard Allen Austin,
Trustees of the Austin 2008 Revocable Trust


Dana Michelle Austin, Trustee


Richard Allen Austin, Trustee

STATE OF **Oklahoma** }
COUNTY OF **Pottawatomie** } **SS.**

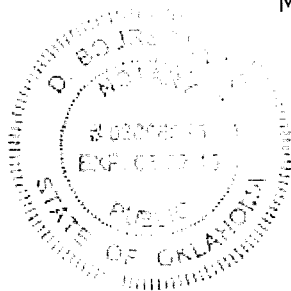
This Instrument was acknowledged before me on **July 06, 2018**, by **Richard Allen Austin and Dana Michelle Austin** as **Trustees** of , on behalf of **Dana Michelle Austin and Richard Allen Austin, Trustees of the Austin 2008 Revocable Trust**.



NOTARY PUBLIC **D. Bourbonnais**

My Commission Expires: **5/2/2019**

Mail Tax Statements To:



Surveyor's Notes

- The survey correctly shows the location of buildings, structures and other improvements situated on the subject property;
- Except as shown, there are no encroachments onto adjoining properties, streets or alleys by buildings, structures or other improvements, and no encroachments onto said property by buildings, structures or other improvements situated on adjoining properties;
- The subject property is located within an area having a Zone Designation, Zone X, areas of minimal flood hazard, by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 40125C0070 J, with an Effective Date of May 16, 2019, for Community Number 400178 in the City of Shawnee, Pottawatomie County, Oklahoma, which is the current Flood Insurance Rate Map for the subject property.
- The subject property has direct physical access to East 45th Street a public street or highway;
- This Survey meets the requirements of the Oklahoma Minimum Standards for the Practice of Land Surveying which was adopted by the Board of Registration for Professional Engineers and Land Surveyors September 14, 2018.
- Notes corresponding to Schedule "B-II" below only apply to the subject property shown herein.

Notes Corresponding to Schedule "B-II"

- Statutory right-of-way along all section lines. This item is plotted and affects the subject property.
- Right-of-Way in favor of Stanolind Pipe Line Company, recorded Book 187, Page 291 and Assignment in Book 300, Page 302. This item is not plotted and affects the subject property because it is blanket in nature.
- Right-of-Way in favor of Stanolind Pipe Line Company, recorded Book 193, Page 169. This item is not plotted and affects the subject property because it is blanket in nature.
- Right-of-Way in favor of Oklahoma Natural Gas Company, recorded Book 204, Page 340. This item is not plotted and does not affect the subject property.
- Easement in favor of State of Oklahoma recorded Book 230, page 187; Book 237, Page 239 and Book 165, Page 51. This item is not plotted and does not affect the subject property.
- Right-of-Way in favor of Stanolind Pipe Line Company, recorded Book 193, Page 170 and Assignment in Book 3002, Page 302. This item is not plotted and affects the subject property because it is blanket in nature.
- Right-of-Way in favor of Oklahoma Natural Gas Company, recorded Book 201, Page 119. This item affects the south portion of the subject property and is not plotted because the exact location of easement is not provided in the recorded instrument.
- Right-of-Way in favor of Stanolind Pipe Line Company, recorded Book 225, Page 306 and Assignment in Book 3002, Page 302. This item is not plotted and affects the subject property because it is blanket in nature.
- Right-of-Way in favor of Gulf Oil Corporation, recorded Book 261, Page 8. This item is not plotted and does not affect the subject property.
- Dedication Deed for highway purposes in favor of State of Oklahoma, recorded Book 164, Page 106. This item is not plotted and does not affect the subject property.
- Right of Ways and Utility Easements recorded as Instrument No. 201700004875. This item is plotted and affects the subject property.
- Easement in favor of State of Oklahoma recorded Book 165, Page 553. This item is not plotted and does not affect the subject property.
- Easement in favor of Oklahoma Natural Gas Company recorded Book 186, Page 689. This item affects the subject property and is not plotted because the exact location is not provided in the recorded instrument.
- Easement in favor of Oklahoma Gas and Electric Company recorded Book 892, Page 476. This item is not plotted and does not affect the subject property.
- Easement in favor of City of Shawnee recorded Book 731, Page 63 and Book 1670, page 92. This item is not plotted and does not affect the subject property.



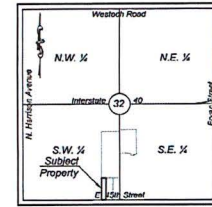
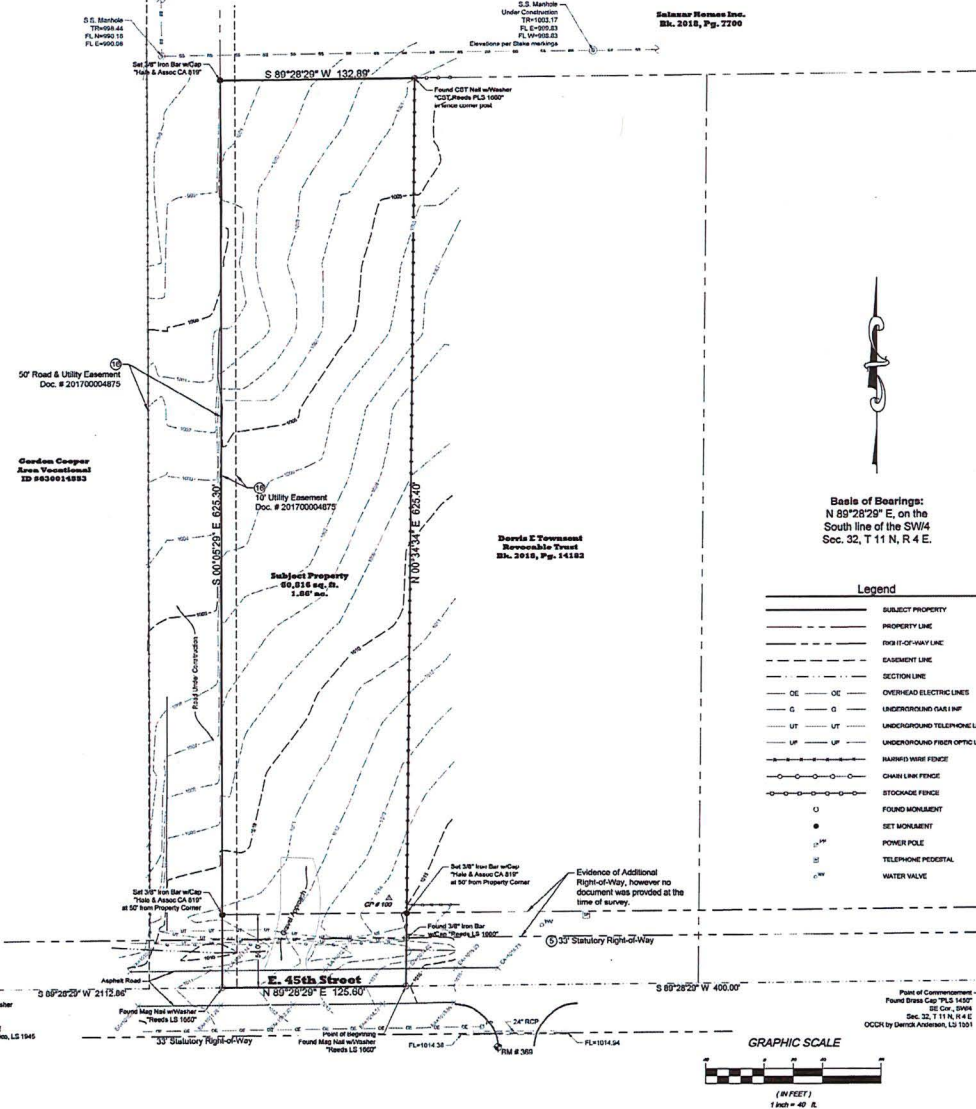
THE UTILITIES ARE SHOWN ON THIS DRAWING WERE DEVELOPED FROM THE INFORMATION AVAILABLE. THIS IS NOT A GUARANTEE OR WARRANTY TO BE THE COMPLETE INVENTORY OF UTILITIES IN THIS AREA. IT IS THE CLIENT'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES WHETHER SHOWN OR NOT AND PROTECT AND UTILITIES FROM ANY DAMAGE.

ALTA/NSPS Land Title Survey

Part of the Southwest Quarter of

Section 32, Township 11 North, Range 4 East

City of Shawnee, Pottawatomie County, Oklahoma



Vicinity Map
Section 32, Township 11N, Range 4E
Not To Scale

Title Commitment

Commitment No.: 2325569-SH01
Effective Date: May 8, 2018 at 7:30 AM
First American Title Insurance Company
123 West Highland
Shawnee, Oklahoma 74801
Phone: (405) 275-0268
Fax: (866) 721-6217

Legal Description

A tract of land described as beginning 400.00 feet S89°28'29\"W of the Southeast corner of the Southwest Quarter (SE/4 SW/4) of Section Thirty-two (32), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma, thence N00°34'34\"E a distance of 625.40 feet; thence S89°28'29\"W a distance of 132.89 feet; thence S00°05'29\"E a distance of 625.30 feet to the South line of said SW/4; thence N89°28'29\"E along said South line a distance of 125.00 feet to the point of beginning.

Benchmark

- Control Point #100
Found 3/8\" Iron Bar Crafton Tull Control Cap located approximately 10.3\" North and 16\" West of the monument set at 50\" from the Southwest property corner.
Elev.=1014.47
- BM #363
Cut \"X\" on the corner of 6\" x 6\" box approximately 240.4\" West and 28.7\" South of the Southwest property corner.
Elev.=1010.35
- BM #309
Cut \"X\" on the Southwest South curb return at the property entrance on the South side of East 45th Street located approximately 41.4\" South and 62.8\" East of the Southwest property corner.
Elev.=1019.15

Surveyor's Certificate

To Salazar Homes, Inc., First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9, 11(a), and 13 of Table A thereof. The field work was completed on April 19, 2021.

8-10-21
Date of Plat or Map

Curtis Lee Hale, LS 1084



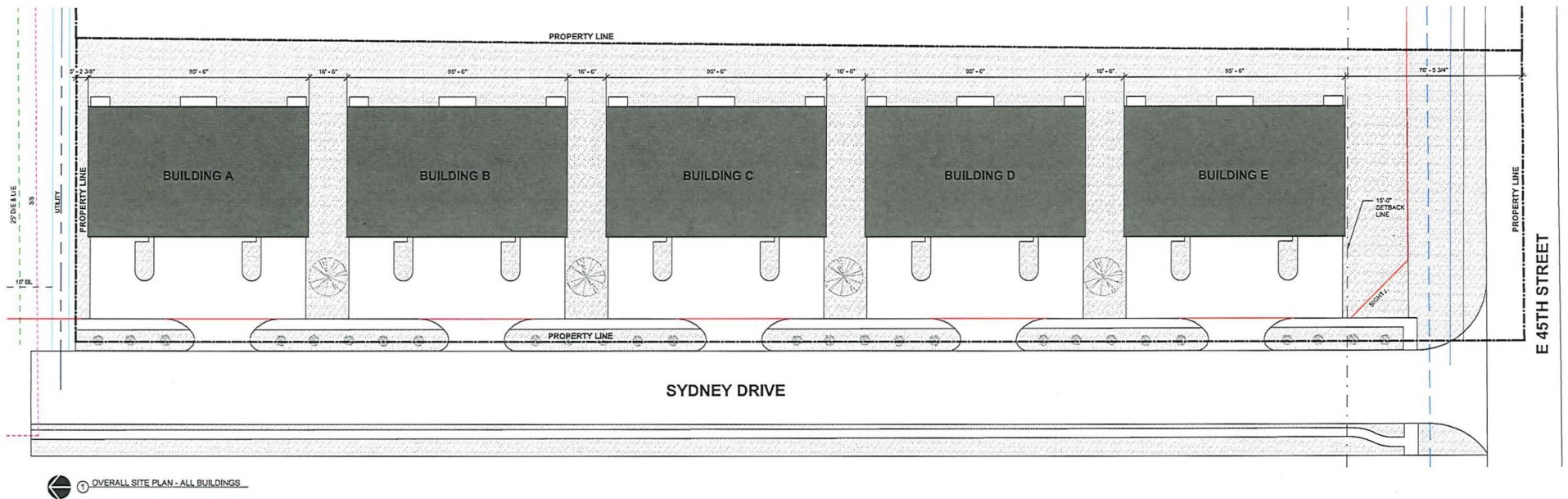
NO.	REVISION/ISSUE	DATE

Mitscher & Associates Architects
c/o Salazar Homes, Inc.
209 E. Main Street
Yukon, Oklahoma 73099



Part of the Southwest Quarter
Section 32, Township 11 North
Range 4 East of the Indian Meridian
Shawnee, Oklahoma
ALTA/NSPS Land Title Survey

PROJECT NO.	6645-1
FILE	6645-1.dwg
DATE	7/30/2021
DRAWN BY	JMS
CHECKED BY	CLH
FIELD CHECK	CH, ML
SHEET	1



Shawnee Lofts - Salazar Properties

Shawnee, OK 74804





PUBLIC HEARING

For more information

Community Development **405-878-1672**
Annex Building
222 N. Broadway Avenue
Shawnee, OK

Planning Commission

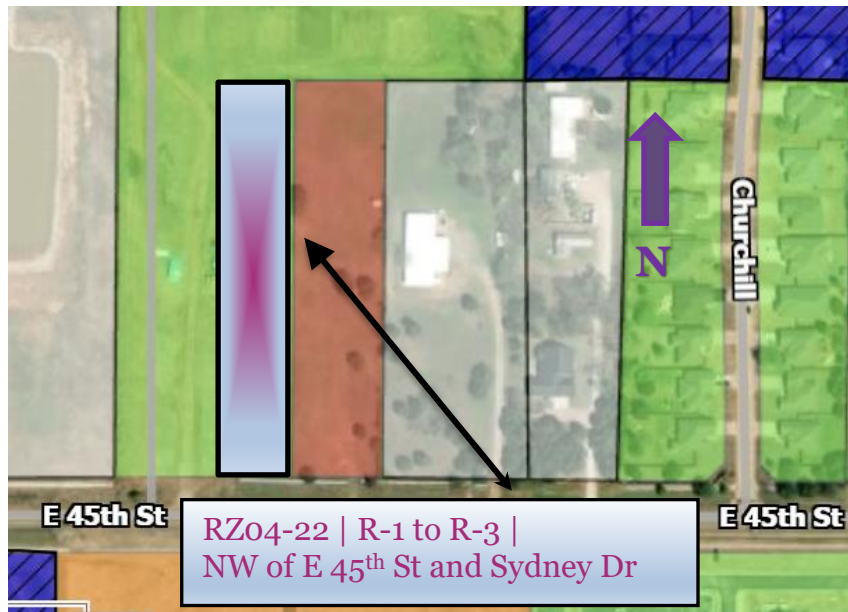
Wednesday, March 2, 2022

City Hall at 16 W. 9th Street, Commission Chambers
1:30 PM

City Commission

Monday, March 21, 2022

City Hall at 16 W. 9th Street, Commission Chambers
6:00 PM



Project Information

Request: Request to rezone from R-1 (Single-Family Residential District) to R-3 (Multifamily Residential District)

Applicant: Brenda Wyatt

Location: Northwest corner of E. 45th Street and Sydney Drive

Case #: RZ04-22



Frequently Asked Questions

What is a Rezoning?

A Rezoning is a request to change the zoning of a property to a different zoning district. The zoning of a property determines many of the allowed uses available for development.

Why did I receive a letter?

You own property within 1,320 feet of the subject property.

How do I make comment on the request?

Try to attend the public hearing if you are able. Staff will also accept written comments for those who cannot attend.

What if I have questions?

Call the Community Development at 405-878-1672 or contact the City Planner at rachel.clyne@shawneeok.org.

What if I cannot attend the hearing?

Staff will accept written comments. You may also have a neighbor or friend attend the hearing to represent your interests at the meeting.

How will this request affect me?

Every property is different.

Contact the Community Development for more information if you have concerns about any impact on you.

I am not in favor of the request, what do I do?

Attend the meetings or provide written comments if you cannot attend. Property owners within 1,320 feet of the subject property may also prepare a protest petition. Staff can supply additional information about the protest petition requirements.

Legal Description:

A tract of land described as beginning 400.00 feet S89°28'29"W of the Southeast corner of the Southwest Quarter (SE/C SW/4) of Section Thirty-two (32), Township Eleven (11) North, Range Four (4), East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N00°34'34"E a distance of 625.40 feet; Thence S89°28'29"W a distance of 132.89 feet; thence S00°05'29"E a distance of 625.30 feet to the South line of said SW/4; thence N89°28'29"E along said South line a distance of 125.00 feet to the point of beginning.

RZ04-22